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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

CALIFORNIA COALITION FOR WOMEN  
 PRISONERS; R.B.; A.H.R.; S.L.; J.L.; J.M.;  
 G.M.; A.S.; and L.T., individuals on behalf of  
 themselves and all others similarly situated,

Plaintiffs,

v.

UNITED STATES OF AMERICA FEDERAL  
 BUREAU OF PRISONS, a governmental entity;  
 BUREAU OF PRISONS DIRECTOR COLETTE  
 PETERS, in her official capacity; FCI DUBLIN  
 WARDEN THAHESHA JUSINO, in her official  
 capacity; OFFICER BELLHOUSE, in his  
 individual capacity; OFFICER GACAD, in his  
 individual capacity; OFFICER JONES, in his  
 individual capacity; LIEUTENANT JONES, in  
 her individual capacity; OFFICER LEWIS, in his  
 individual capacity; OFFICER NUNLEY, in his  
 individual capacity; OFFICER POOL, in his  
 individual capacity; LIEUTENANT PUTNAM, in  
 his individual capacity; OFFICER SERRANO, in  
 his individual capacity; OFFICER SHIRLEY, in  
 his individual capacity; OFFICER SMITH, in his  
 individual capacity; and OFFICER VASQUEZ, in  
 her individual capacity,

Defendants.

Case No.: 4:23-cv-4155

**APPLICATION TO PROCEED  
 ANONYMOUSLY**

Filed Concurrently with Complaint;  
 Motion for Preliminary Injunction;  
 and Motion for Provisional Class  
 Certification

Trial Date: None Set

## INTRODUCTION

Plaintiffs—a group of incarcerated individuals who have experienced and witnessed horrific sexual abuse and harassment at the hands of prison facility staff—seek to proceed anonymously, using their initials rather than their full names. As explained below, the significant risk of retaliatory harm to these plaintiffs and the highly sensitive and personal nature of the allegations at issue warrant proceeding anonymously.

Any potential prejudice to Defendants is undoubtedly outweighed by Plaintiffs' need to maintain their own physical and emotional safety and by the importance of protecting the sensitive and personal information that will be disclosed during this litigation. For these reasons and as discussed below, the Court should approve Plaintiffs' application to proceed anonymously.

### I. BACKGROUND

As outlined in detail in the Complaint, individuals incarcerated at FCI Dublin have been subjected to rampant ongoing sexual abuse for years. Plaintiffs and the putative class members they represent have endured horrific abuse and exploitation at the hands of facility staff, including but not limited to: rape and sexual assault; manipulation and sexual coercion, degrading sexual comments on an everyday basis; voyeurism and taking explicit photos; drugging, groping, and other forms of abuse during medical exams; and targeted abuse towards immigrants under threat of deportation. Declaration of Ginger Jackson-Gleich in Support of Application to Proceed Anonymously (Jackson-Gleich Decl.) ¶ 3; citing Complaint, Dkt. 1.

Moreover, officers, supervisors, and leadership throughout FCI Dublin protect their abusive colleagues by failing to investigate claims of sexual abuse and harassment, and by affirmatively retaliating against those who report it. As a result, survivors frequently face egregious forms of retaliation, including placement in solitary confinement, repeated and unjustified strip and cell searches, and transfer to other facilities away from their families and support systems. Jackson-Gleich Decl. ¶ 6. This pervasive retaliation deters many survivors from reporting their abuse. The Plaintiffs who have stepped forward to pursue

1 this lawsuit are acutely aware of these dangers and respectfully request that the Court grant  
2 their application to proceed anonymously.

## 3 **II. ARGUMENT**

4 Within the Ninth Circuit, “a party may preserve his or her anonymity in judicial  
5 proceedings in special circumstances when the party’s need for anonymity outweighs  
6 prejudice to the opposing party and the public’s interest in knowing the party’s identity.”  
7 *Does I thru XXIII v. Advanced Textile Corp.*, 214 F.3d 1058, 1068 (9th Cir. 2000). In  
8 general, courts in this circuit “allow parties to use pseudonyms in the ‘unusual case’ when  
9 nondisclosure of the party’s identity ‘is necessary . . . to protect a person from harassment,  
10 injury, ridicule or personal embarrassment.’” *Id.* at 1067–68 (quoting *United States v.*  
11 *Doe*, 655 F.2d 920, 922 n.1 (9th Cir.1981)).

12 “To determine whether to allow a party to proceed anonymously when the opposing  
13 party has objected, a district court must balance five factors: ‘(1) the severity of the  
14 threatened harm, (2) the reasonableness of the anonymous party’s fears, (3) the anonymous  
15 party’s vulnerability to such retaliation,’ (4) the prejudice to the opposing party, and (5) the  
16 public interest.” *Doe v. Kamehameha Schools/Bernice Pauahi Bishop Estate* (9th Cir.  
17 2010) 596 F.3d 1036, 1042 (quoting *Advance Textile, supra*, 214 F.3d at 1068). Notably,  
18 courts have been especially attuned to the importance of protecting survivors of sexual  
19 assault from further harm, both in terms of further violations of their privacy and due to the  
20 threat of retaliation. *See, e.g., Doe v. Ayers*, 789 F.3d 944, 946 (9th Cir. 2015) (use of  
21 pseudonym appropriate because petitioner, who had been repeatedly sexually assaulted in  
22 prison, faced serious risk of additional violence if his name was revealed); *see also Jordan*  
23 *v. Gardner*, 986 F.2d 1521, 1525 n.4 (9th Cir. 1990) (“In keeping with the tradition of not  
24 revealing names of the victims of sexual assault, we use initials here to protect the privacy  
25 of the inmates.”).

26 Here, Plaintiffs face a real risk of severe harm if their names are revealed.  
27 Retaliation against those who report and challenge sexual abuse and assault is  
28 commonplace at FCI Dublin. Jackson-Gleich Decl. ¶ 6. Physical violence, verbal assault,

1 placement in solitary confinement, punitive cell searches, destroyed property, and transfer  
2 to other facilities are all forms of retaliation that are inflicted upon people at FCI Dublin.  
3 *Id.* Many Plaintiffs already experienced some or all of these forms of retaliation when they  
4 first reported abuse and harassment through administrative procedures. *Id.* Thus, what can  
5 happen to people who report abuse at FCI Dublin is more than a remote possibility or  
6 veiled threat, it is a reality most of them have already come to know. Accordingly,  
7 Plaintiffs fear of such retaliatory responses is reasonable: Plaintiffs have already seen and  
8 experienced such punishments firsthand.

9 By virtue of their incarcerated status, Plaintiffs are also particularly vulnerable to  
10 retaliation. They have no freedom of movement, no access to non-prison law enforcement,  
11 and no ability to avoid those who might seek to retaliate against them. They are entirely  
12 dependent on the staff of FCI Dublin for their basic needs, and their lives are completely  
13 controlled by the very entities named in this lawsuit. There is no question that Plaintiffs  
14 are vulnerable to the forms of retaliation noted above.

15 Finally, these factors—when considered against the potential prejudice to the  
16 opposing party and the public interest—weigh heavily in favor of proceeding  
17 anonymously. First, potential prejudice to Defendants is minimal and, Plaintiffs  
18 acknowledge that “at some later point in the proceedings it may be necessary to reveal  
19 plaintiffs’ identities to defendants so that defendants may refute individualized  
20 accusations.” *Advance Textile, supra*, 214 F.3d at 1072. Second, the public interest also  
21 favors permitting Plaintiffs to proceed anonymously. While the public may have some  
22 interest in knowing Plaintiffs’ identities, the public also has an interest in encouraging  
23 survivors of sexual assault and harassment (especially when harassment is perpetrated by  
24 government actors) to come forward. See, e.g., *Doe v. Penzato*, CV10-5154 MEJ, 2011  
25 WL 1833007, at \*5 (N.D. Cal. May 13, 2011) (finding “that the public’s interest in  
26 allowing alleged victims of sexual assault to proceed anonymously outweighs the public’s  
27 interest in disclosing Plaintiff’s identity”); *Heineke v. Santa Clara U.*, 17-CV-05285-LHK,  
28 2017 WL 6026248, at \*23 (N.D. Cal. Dec. 5, 2017) (concluding “that the public interest is

1 served in allowing an alleged victim of sexual harassment to be sued under pseudonym to  
2 avoid deterring other victims from coming forward”).

3 **CONCLUSION**

4 For the foregoing reasons, Plaintiffs respectfully request to proceed anonymously,  
5 using their initials only, rather than their full names.

6 DATED: August 16, 2023

Respectfully submitted,

7 ROSEN BIEN GALVAN & GRUNFELD LLP

8  
9 By: /s/ Ginger Jackson-Gleich

10 Ginger Jackson-Gleich

11 Attorneys for Plaintiffs  
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